

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Matthew Bills

Case No. 1:23-mj-30421

Judge: Morris, Patricia T.

Filed: 10-19-2023

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 14, 2023 in the county of Huron in the
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

1. 14 U.S.C. § 521

1. Coast Guard Saving Life and Property

2. 18 U.S.C. § 1001

2. False Statements

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: October 19, 2023

City and state: Bay City, Michigan

*Complainant's signature*

Genica Orria-Petrenko, Special Agent U.S. Coast Guard

Printed name and title*Judge's signature*

Patricia T. Morris, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT AND WARRANT FOR ARREST

I, Genica Orria-Petrenko, Special Agent of the Coast Guard Investigative Service (CGIS),
being duly sworn, state that:

INTRODUCTION AND AGENT BACKGROUND

1. I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in Titles 18 and 14, United States Code. I have been employed by the Coast Guard Investigative Service (CGIS) as a Special Agent since 2013. During my employment with CGIS, I have investigated federal crimes within the jurisdiction of the United States Coast Guard involving violations of the Ports and Waterways Safety Act, as well as sexual assault, child abuse, child pornography, suspected threats to military bases, Merchant Mariner Credential fraud, theft, identity theft, fraud, physical and domestic assault, and narcotics. I am currently assigned to the Detroit Resident Agent Office.

2. This affidavit is made in support of a complaint charging that MATTHEW BILLS violated Title 14 United States Code § 521 by knowingly and willfully communicating a false distress message to the Coast Guard and Title 18 United States Code § 1001, False Statements.

3. I make this affidavit based upon my personal knowledge, my review of records and other evidence gathered to date, information that I have received from other individuals, including other law enforcement personnel from CGIS that participated in this investigation, as well as my training and experience and the training and experience of other law enforcement officers.

Because this affidavit is being submitted for the limited purpose of establishing probable cause to

believe that MATTHEW BILLS committed the offenses contained in the complaint, this affidavit does not concern every fact that I have learned during the course of the investigation, and I have only set forth the facts necessary to establish probable cause that MATTHEW BILLS violated the statutes identified above.

RELEVANT STATUTORY BACKGROUND

A. Title 14 United States Code § 521. Coast Guard - Saving Life and Property

4. Title 14 United States Code § 88 established the Coast Guard to render aid to persons and protect and save property at any time and at any place at which Coast Guard facilities and personnel are available and can be effectively utilized. Title 14 United States Code § 88 was subsequently amended and is now contained in Title 14 United States Code § 521.

5. For purposes of carrying out its operational duties, the Coast Guard divides the United Stations/Units. The Area of Responsibility for Sector Detroit covers two states (Ohio and Michigan) stretching from Marblehead, Ohio to Tawas, Michigan; a span that includes Saginaw Bay, and the tributary, Saginaw River.

PROBABLE CAUSE

6. On March 20, 2023, I was assigned to an investigation into two separate false distress transmissions made to the Coast Guard via marine radio very high frequency (VHF) Channel 16 (156.8 MHz) suspected to originate from the same individual. Channel 16 is designated by the Federal Communications Commission (FCC) as the national distress, safety and calling frequency.

7. On March 14, 2023, at 1100 hours EDT, Coast Guard Sector Detroit Command Center, Detroit, Michigan, received four radio transmissions on VHF Channel 16 over a 12-minute time

span. Approximately three minutes later, a distress call was made from what it appeared to be the same unknown male voice. Voice recordings and transcripts indicated a total of four radio transmissions with the following content: “Did somebody let a giant goddamn fart,” Coast Guard Sector Detroit Command Center did not reply. A second transmission stated, “Smells like a motherfucking clea up in this nigger whore.” A Coast Guard Sector Detroit Command Center watch stander replied with a broadcast requesting the broadcaster cease transmissions due to Channel 16 being an international distress and safety channel and broadcaster was in direct violation of federal law. The third transmission stated, “Coast Guard Coast Guard, you eat a big pile of shit.” A Coast Guard Sector Detroit Command Center watch stander asked if the broadcaster needed assistance. The fourth transmission stated, “I’m like, oh my God, there’s a man in the water taken on, Bay Yacht Club, ah shit.” The Coast Guard Sector Detroit Command Center watch stander requested a vessel position with no reply from the broadcaster. Based on the fourth transmission, Coast Guard Sector Detroit declared the transmission a distress situation and prepared to direct Coast Guard rescue assets to the area of Bay Yacht Club.

8. An Urgent Marine Information Broadcast (UMIB) was also transmitted via VHF Channel 16 for one hour. A UMIB is a standard emergency radio broadcast made over Channel 16 with the details obtained from the distress call and asking any mariners in the area to be on the lookout and assist if possible. At a minimum, UMIBs are broadcasted every 15 minutes for the first hour. A Coast Guard Station Saginaw River rescue boat was launched and arrived in Saginaw Bay near the Bay Yacht Club in the Saginaw River searching for the distressed boater. The Coast Guard small boat eventually reported no signs of a distressed boater. Coast Guard Station Saginaw River also deployed shoreside personnel who conducted a shoreline search via vehicle. Coast Guard assets searched the entire Saginaw River Basin for one hour with negative results.

After one hour of searching, efforts were called off by Coast Guard Sector Detroit. In addition, the Bay County Sheriff's Department Dispatch, Bay City, MI, was contacted and reported no missing persons with a maritime nexus. The search was suspended by the Coast Guard and categorized as a probable hoax.

9. The Coast Guard has three emergency phases upon receiving a request for assistance. These phases are uncertainty, alert, and distress. The distress phase exists when grave or imminent danger requiring immediate response to the distress scene threatens a craft or person. Once the Coast Guard can establish a reasonable search area, Coast Guard policy requires the broadcast of a UMIB and dispatch of applicable rescue aircraft or vessels if a reasonable search area is established.

10. The Coast Guard utilizes Rescue 21 (R21) Direction Finding Communication System to communicate with mariners via VHF radio. Rescue 21 is a direction-finding communications system corresponding with regional fixed facility (RFF) locations. Coast Guard Rescue 21 provided one line of bearing from the Bay City RFF, located in Bay City, MI. A line of bearing is a signal provided by the RFF showing the direction of the origin of the radio transmission. A line of bearing allows rescue coordinators to determine if a reasonable search area can be established for rescue assets.

11. Coast Guard policy defines a hoax where information is conveyed with the intent to deceive. The Coast Guard suspends cases as a probable hoax when all articulable factors that would lead a reasonable person to conclude the distress broadcast is false and there is no distress. Within the Coast Guard, the Search and Rescue Mission Coordinator (SMC) and Sector Commander (SC) have the authority to suspend a case as a probable hoax.

12. On March 19, 2023, at 0005 hours EDT, the Coast Guard Sector Detroit Command Center, Detroit, MI, received three radio transmissions on VHF Channel 16, from an unknown male. The three consecutive transmissions were received within one minute of each other with the third transmission replying, "MAYDAY, MAYDAY, MAYDAY." Voice recordings and transcripts indicated a total of three transmissions with the following content. The first transmission stated, "How about you to shift to your fucking ass, you fucking faggot." The Coast Guard Sector Detroit watch stander did not reply. The second transmission stated, "Uh I." The Coast Guard Sector Detroit watch stander did not reply. The third transmission stated, "MAYDAY, MAYDAY, MAYDAY." The Coast Guard Sector Detroit Command Center watch stander replied and asked if the broadcaster needed assistance. There was no reply from the broadcaster.
13. Coast Guard Sector Detroit declared the transmission a distress situation and prepared to direct Coast Guard rescue assets to the area of Bay Yacht Club. Based on the MAYDAY broadcast, Coast Guard Sector Detroit broadcasted an UMIB transmitted via VHF Channel 16 for one hour and contacted Huron County Dispatch, Bad Axe, MI. Huron County Dispatch reported no missing people or associated distress calls.
14. The Rescue 21 Direction Finding Communications System provided lines of bearing (LOBs) from the following five RFF locations: Standish, MI, Bay City, MI, Port Austin, MI, Forrester, MI, and Halfway Corners, MI. Coast Guard Sector Detroit utilized the Search and Rescue Optimal Planning System (SAROPS) to input the data provided by Rescue 21. SAROPS is a software system used by the Coast Guard for maritime search planning. The five LOBs generated a fix for a location in the vicinity of 10th Street, Sebawaing, MI. A fix is generated when at least two LOBs intersect indicating probability on the origin of the radio transmission.

Based on the location and familiarity with the previous transmissions a determination was made not to dispatch rescue assets. The case was suspended as a probable hoax.

15. On March 24, 2023, I and CGIS Special Agents canvassed the residential area in vicinity of 10th Street, Sebewaing, MI. A local resident indicated MATTHEW BILLS, known as an amateur radio operator, had a large antenna located at his residence on 10th Street. MATTHEW BILLS was identified as the owner of 329 10th Street, Sebewaing, MI.

16. Later that afternoon, MATTHEW BILLS consented to meet with CGIS Special Agents at the Sebewaing Harbor Marina. MATTHEW BILLS indicated he held an amateur FCC license and displayed a valid FCC card. Recordings of the radio transmissions were played to MATTHEW BILLS. MATTHEW BILLS denied making the radio transmissions and initially indicated he did not have the equipment to transmit over VHF Channel 16. Later in the discussion, MATTHEW BILLS admitted he could monitor and transmit from VHF Channel 16 on his boat but continued to deny involvement in making the transmissions. The conversation with MATTHEW BILLS was voice recorded and logged as evidence for preservation.

17. An open search on the FCC website indicated MATTHEW BILLS has two FCC licenses; a general mobile radio license and a vanity license. In addition, a self-reported UHF-VHF antenna, Diamond X-510 fed with LMR400 at a height of 45 feet.

18. On March 31, 2023, I sent the March 14th and March 19th, 2023, voice recordings of the radio transmissions and the recording of MATTHEW BILLS' meeting on March 24, 2023, to the Language Technologies Institute, School of Computer Science, Center for Voice Intelligence and Security, Carnegie Mellon University (CMU), Pittsburgh, PA, requesting a voice analysis. On June 09, 2023, results of the voice analysis report were received from CMU. The CMU results indicated a greater than 98% match between the radio voice transmissions on March 14th and 19th

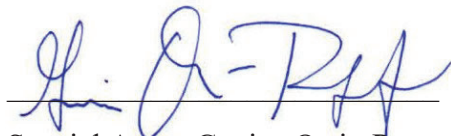
with MATTHEW BILLS voice sample from the meeting on March 24th. The report also indicated the probability of this match exceeds 0.98 on a scale of 0 to 1.

CONCLUSION

19. Your affiant submits that there is probable cause to believe that MATTHEW BILLS willfully and knowingly violated Title 14 United States Code § 521 by transmitting false distress calls. In furtherance, affiant submits that there is also probable cause to believe that MATTHEW BILLS knowingly and willfully made materially false, fictitious, and/or fraudulent statements to Coast Guard Investigative Agents when asked if he made the radio transmissions.

20. Therefore, your Affiant believes that probable cause exists that MATTHEW BILLS violated 14 U.S.C § 521, Saving Life and Property and 18 U.S.C § 1001, False Statements.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "G. Orria-Petrenko", written over a horizontal line.

Special Agent Genica Orria-Petrenko

Coast Guard Investigative Service

Sworn and subscribed before me

On this 19th day of October, 2023

A handwritten signature in blue ink, appearing to read "Patricia T. Morris", written over a horizontal line.

Honorable PATRICIA T. MORRIS
United States Magistrate Judge
Eastern District of Michigan